United Nations A/56/809–S/2002/144

General Assembly
Security Council

Distr.: General
5 February 2002
English
Original: French

General Assembly
Fifty-sixth session
Agenda item 18
Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Security Council
Fifty-seventh year

Letter dated 1 February 2002 from the Permanent Representative of Algeria to the United Nations addressed to the Secretary-General

Having read the legal opinion rendered on 29 January 2002 by Mr. Hans Corell, the Legal Counsel of the United Nations, in response to a letter addressed to him by the Security Council on 13 November 2001 on "the legality in the context of international law, including relevant resolutions of the Security Council and the General Assembly of the United Nations, and agreements concerning Western Sahara, of actions allegedly taken by the Moroccan authorities consisting in the offering and signing of contracts with foreign companies for the exploration of mineral resources in Western Sahara", and pending any action that may be decided by the Council on this matter, I have the honour to inform you of the following.

1. My delegation, which does not have precise information on the clauses and purposes of the above-mentioned contracts, nonetheless takes note of the conclusions of the Legal Counsel and, in particular, the recognition in paragraph 25 that, in the case in question, the contracts are for reconnaissance and evaluation, and that if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the principles of international law applicable to mineral resource activities in Non-Self-Governing Territories.

2. My delegation also takes note of the content of paragraph 6 of the legal opinion, which appropriately and clearly recalls that the Madrid Agreement did not transfer sovereignty over the Territory, nor did it confer upon any of the signatories the status of an administering Power, nor did it affect the international status of Western Sahara as a Non-Self-Governing Territory.

My delegation also takes note of the reaffirmation, in paragraph 7 of the legal opinion, that the Kingdom of Morocco is not listed as the administering Power of the Territory of Western Sahara in the United Nations list of Non-Self-Governing Territories, and has, therefore, not transmitted information on the Territory in

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accordance with Article 73 (e) of the Charter of the United Nations, as it would have been obliged to do if it had been recognized as the administering Power.

My delegation, which has had occasion in the past to call the Secretariat's attention to the improper use, in the Secretary-General's reports to the Security Council, of the expression "administering Power" in relation to the Kingdom of Morocco, trusts that the Secretariat will henceforth comply with the legal opinion of 29 January 2002 and no longer refer to Morocco as the "administering Power".

My delegation, which reserves the right to return to other aspects of the legal opinion after the Security Council has considered it, would be grateful if you would have this letter distributed as a document of the General Assembly, under agenda item 18, and of the Security Council.

(*Signed*) Abdallah **Baali**
Ambassador
Permanent Representative